

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No. 1:18-cr-58  
(Kleeh)

BRIAN J. GRIFFEY,

Defendant.

ORDER ADOPTING REPORT & RECOMMENDATION [DKT. NO. 19]

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Pending before this Court is a *pro se* motion to dismiss (Dkt. No. 7) filed by Defendant Brian J. Griffey ("Defendant") on January 4, 2019. Defendant filed this motion *pro se* even though he was represented by attorney Scott S. Radman (See Dkt. No. 2). The motion has not been adopted by Mr. Radman, who is still Defendant's counsel in this matter. United States Magistrate Judge Michael J. Aloï issued a Report and Recommendation ("R&R") on the motion, recommending denial because this Court routinely denies *pro se* motions filed by criminal defendants who are represented by counsel. No objections to the R&R were filed.

This Court is not obligated to consider *pro se* motions in criminal cases where the defendant is represented by counsel. See *United States v. Carranza*, 645 F. App'x 297, 300 (4th Cir. 2016) (noting that "[a] criminal defendant has no statutory or

constitutional right to proceed pro se while simultaneously being represented by counsel"). As Judge Alois stated, this Court routinely denies such motions. See, e.g., *United States v. Ramage*, No. 1:09CR61, 2009 WL 4110321, at \*2 (N.D.W. Va. Nov. 25, 2009); *United States v. Brooks*, No. 1:09MJ71, 2009 WL 3365642, at \*2 (N.D.W. Va. Oct. 19, 2009); *United States v. Boulware*, No. 1:09CR5, 2009 WL 972606, at \*2-3 (N.D.W. Va. Apr. 8, 2009). Accordingly, because Defendant's counsel has not adopted the pro se motion to dismiss, the Court hereby **ADOPTS** the R&R (Dkt. No. 19) and **DENIES** Defendant's pro se motion to dismiss as improvidently filed (Dkt. No. 7).

It is so ORDERED.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: February 4, 2019

/s/ Thomas S. Kleeh  
THOMAS S. KLEEH  
UNITED STATES DISTRICT JUDGE